

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARLOW TODD EGGUM,

Petitioner,

v.

JEFFREY UTTECHT,

Respondent.

CASE NO. C14-1328-RAJ-MAT

ORDER GRANTING RESPONDENT'S
MOTION TO STAY HABEAS PETITION

This is a habeas corpus action pursuant to 28 U.S.C. § 2254. In responding to respondent's answer, petitioner disclosed for the first time that he filed a personal restraint petition ("PRP") in state court after initiating this habeas action. (*See* Dkt. 34 at 3.) The Court ordered respondent to submit a copy of the pending PRP, any rulings by the state courts, and supplemental briefing regarding the effect, if any, of the PRP on petitioner's federal habeas petition. (Dkt. 36 at 2.) The Court also gave petitioner an opportunity to respond. (*Id.*)

Although respondent was unable to submit the requested documents, he informed the Court that the Washington Court of Appeals had denied the PRP and that petitioner's motion for discretionary review in the Washington Supreme Court was pending. (*See* Dkt. 37 at 2; Dkt. 38, Ex. 17 (ACORDS printout, Wash. App. Ct. Cause No. 72982-9), Ex. 18 (ACORDS printout,

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1 Wash. Supreme Ct. Cause No. 91556-3.) As a result, respondent asked the Court to stay this
2 matter until the state court proceedings are completed. (Dkt. 37 at 2.) In petitioner's
3 supplemental brief, he did not address respondent's request to stay this matter. (*See* Dkt. 40.)

4 Having reviewed the record, the Court finds and ORDERS as follows:

5 (1) Because the Court cannot resolve petitioner's federal habeas petition until the
6 state courts have ruled upon the PRP, respondent's motion to stay (Dkt. 37) is GRANTED.

7 (2) This action is STAYED pending completion of petitioner's pending PRP. Within
8 thirty days after issuance of the mandate or certificate of finality in the state court proceedings,
9 the parties shall advise the Court whether the federal habeas action is ready to proceed. Once the
10 parties have advised the Court that the stay may be lifted, the Court will set a schedule for
11 additional briefing.

12 (3) The Clerk is directed to send copies of this Order to the parties and to the
13 Honorable Richard A. Jones.

14 DATED this 30th day of July, 2015.

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17 Mary Alice Theiler
18 United States Magistrate Judge
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